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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

OCT 28 2005

at 3 o'clock and 1 min. 4 M  
SUE BEITIA, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00322-01 DAE
	)	
Plaintiff,	)	
	)	GOVERNMENT'S SENTENCING
vs.	)	STATEMENT;
	)	CERTIFICATE OF SERVICE
ABRAHAM NGUYEN MARTIN,	)	
	)	Date: December 5, 2005
Defendant.	)	Time: 2:15 p.m.
	)	Judge: David A. Ezra
	)	

GOVERNMENT'S SENTENCING STATEMENT

The United States respectfully submits this Sentencing Statement in response to the draft Presentence Report prepared by the United States Probation Office.

The United States has no objections or comments regarding Part A.

The United States believes two guideline enhancements should apply - a three (3) level enhancement under § 3A1.1 for "Vulnerable Victim", and a four (4) level enhancement under

**EXHIBIT C**

§ 3B1.1 for being an organizer or leader of criminal activity that was extensive.

1. "Vulnerable Victim"

The government requests that the Court and Probation Officer consider the circumstances of victim Adelaida Soleta, who was a resident of the same apartment building of Luu. Ms. Soleta is an elderly lady who lives alone, and who because of her age was unable to attend to her own financial affairs. Ms. Soleta is assisted in this regard by friends and family. The defendant and Luu knew of her condition, and took advantage of it by compromising both her bank and credit accounts while knowing that their conduct would likely go undiscovered by her, and would not be discovered until a care giver had the opportunity to closely inspect the various bank and credit account statements. The government will provide the Probation Officer with more specific information about Ms. Soleta following the submission of this statement.

2. Leadership Role

The "extensive" nature of the defendant's criminal activity is evident from the description of the transactions engaged in by the defendant as set forth in the offense conduct section of the report.

Because the defendant in large measure directed the activities of both Luu and the defendant's wife, co-defendant.

Anna Martin, a four level enhancement for leadership should apply.

DATED: October 28, 2005, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By

  
\_\_\_\_\_  
WILLIAM L. SHIPLEY  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following persons by: ☒ hand delivering; ☐ mailing said document on or about the date of filing:

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DATED: Honolulu, Hawaii, October 28, 2005.

Gloria Parker